

# The Orissa Gazette



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## LABOUR & EMPLOYMENT DEPARTMENT

### NOTIFICATION

The 26th February 2007

No. 1725—li/1(S)-3/2005-L.E.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Award, dated the 22nd December 2006 in Industrial Disputes Case No. 3 of 2005 of the Presiding Officer, Labour Court, Sambalpur to whom the industrial disputes between the Management of M/s Orient Paper Mills, At/P.O. Brajarajnagar, District Jharsuguda and its workman Shri Dillip Kumar Mishra represented through General Secretary, Orient Paper Mills Staff Association, Brajarajnagar, District Jharsuguda was referred for adjudication is hereby published as in the Schedule below :

### SCHEDULE

IN THE COURT OF THE PRESIDING OFFICER, LABOUR COURT, SAMBALPUR

INDUSTRIAL DISPUTE CASE NO. 3 OF 2005

Dated the 22nd December 2006

*Present :*

Shri P. K. Mahapatro, LL. B.,  
Presiding Officer, Labour Court,  
Sambalpur.

*Between :*

The Management of  
M/s Orient Paper Mills,  
At/P.O. Brajarajnagar,  
District Jharsuguda.

First Party—Management

And

<p>Their Workman Shri Dillip Kumar Mishra represented through the General Secretary, Orient Paper Mills Staff Association, Brajarajnagar, District Jharsuguda.</p>	<p>Second Party—Workman</p>
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*Appearances :*

<p>For the First Party—Management</p>	<p>Shri S. S. Pujari, Authorise Representative.</p>
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<p>For the Second Party—Workman</p>	<p>Self</p>

AWARD

This case arises out of the reference made by the Government of Orissa, Labour & Employment Department under Sections 10 and 12 of the Industrial Disputes Act, 1947 vide Memo No. 2977(5), dated the 19th March 2005 for adjudication of disputes as scheduled below :

"Whether the action of the Management of M/s Orient Paper Mills, At/P.O. Brajarajnagar, District Jharsuguda in inflicting punishment on Shri Dillip Kumar Mishra, Chemistry Laboratory vide letter No. 46-EST, dated the 1st July 2003 is legal and/or justified ? If not, to what relief the workman is entitled ?"

2. The workman has moved this Court to get aside the order of punishment imposed on him and to allow the reliefs as claimed by him on the ground that those are taken up in a perfunctory manner and without observing the principles of natural justice. Thereafter the management has filed its written statement challenging the claim of the workman and then a rejoinder was filed by the workman to substantiate his place. Thereafter the issues have been framed and with the consent of the parties, the fairness of domestic enquiry was taken up as preliminary issue. Both the parties have adduced evidence in relation to the preliminary issue and vide Order, dated the 24th November 2006, the fairness of domestic enquiry was answered against the management. It was hold vide Order, dated the 24th November 2006 that the domestic enquiry was not conducted in a fair and proper manner. Thereafter the workman has moved this Court to pass a 'No Dispute Award' as the management side has arrived into a settlement with him. To suffice his said claim, he has also adduced evidence wherein he has stated that he has no further grievance against the management as because his pay for seven days was cleared up and the management side has promised to pay the wages for the suspension period. By taking note of the above stand of the workman, I am of

also opinion that there is no dispute in between the parties. Hence, the only alternative is to pass a 'No Dispute Award'. Hence the following award :—

#### AWARD

The reference is answered in consonance with the settlement arrived in between the parties. As both parties have settled their dispute amicably, so there is no dispute in between them. In view of the above position, I am of only view to pass a "No Dispute Award" in this case.

Dictated and corrected by me:

P. K. MAHAPATRO  
22-12-2006  
Presiding Officer  
Labour Court, Sambalpur

P. K. MAHAPATRO  
22-12-2006  
Presiding Officer  
Labour Court, Sambalpur

By order of the Governor  
N. C. RAY  
Under-Secretary to Government